

# In the Supreme Court of the State of Alaska

<b>Recreational Data Services, Inc.,</b>	)	
	)	Supreme Court No. <b>S-15893</b>
Appellant,	)	
v.	)	<b>Order</b>
	)	
<b>Trimble Navigation Limited,</b>	)	
<b>a California Corp.,</b>	)	
	)	
Appellee.	)	Date of Order: <b>August 3, 2017</b>

---

Trial Court Case # **3AN-11-10519CI**

Before: Stowers, Chief Justice, Winfree, Maassen, and Bolger, Justices, and Fabe, Senior Justice.\*

On consideration of the appellant's **May 30, 2017**, petition for rehearing and the opposition filed on **June 15, 2017**,

## IT IS ORDERED:

The petition for rehearing is **GRANTED IN PART**. Opinion No. 7162, published **March 24, 2017**, is amended as follows:

At page 3, lines 3-4, the sentence "We therefore grant remittitur, directing the superior court to make an award of nominal damages and enter judgment for RDS" is stricken and replaced with the following: "We therefore direct the superior court to enter a nominal damages award and judgment for RDS."

At page 32, line 18, the word "higher" is replaced with "different."

---

\* Sitting by assignment made under article IV, section 11 of the Alaska Constitution and Alaska Administrative Rule 23(a).

At page 34, line 6, a footnote is added following the line  
“RDS did not present any of these types of evidence at trial”:

FN: Two PowerPoint presentations admitted as exhibits — one from the Copper Center Project and one from the competing project of Trimble Outdoors and Cabela’s — referred to the results of market surveys, but only in their discussions of consumer demand and marketing opportunities. They did not address profitability. And the market survey data themselves were not introduced into evidence.

At page 38, lines 21-22, the sentence “We GRANT REMITTITUR on the jury’s award of damages for lost profits and **REMAND** for a determination of nominal damages” is stricken and replaced with the following: “We **VACATE** the jury’s award of damages for lost profits and **REMAND** for entry of an award of nominal damages.”

Entered at the direction of the court.

Clerk of the Appellate Courts

---

Meredith Montgomery  
Chief Deputy Clerk

cc: Supreme Court Justices  
Judge Easter  
West Publishing  
Other Publishers

*RDS, Inc. v. Trimble Navigation, Ltd.*  
Supreme Court No. S-15983  
Order of August 3, 2017  
Page 3

Distribution:

Joshua F Fannon  
Attorney at Law  
550 S. Alaska St., Suite 203  
Palmer AK 99645

Gavin Kentch  
Law Office of Gavin Kentch, LLC  
601 W. 5<sup>th</sup> Ave, Second Floor  
Anchorage AK 99501

Phillip Paul Weidner  
Weidner & Associates, APC  
943 W. 6th Avenue, Suite 300  
Anchorage AK 99501

Susan Orlansky  
Reeves Amodio LLC  
500 L St, Ste 300  
Anchorage AK 99501

Gregory S Parvin  
Law Office of Gregory S. Parvin  
900 S. Check Street  
Wasilla AK 99654

Brian Samuelson  
Perkins Coie LLP  
1029 W 3rd Ave Ste 300  
Anchorage AK 99501

James N Leik  
Perkins Coie LLP  
1029 W 3rd Ave Ste 300  
Anchorage AK 99501

Daniel Elms  
Bell Nunnally & Martin LLP  
3232 McKinney Ave., Ste. 1400  
Dallas TX 75204